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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,686	06/08/2001	Joel Naumann	81862.P233	9432

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Florin Corie
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER	
LY, ANH VU H	

ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/877,686	NAUMANN, JOEL	
	Examiner	Art Unit	
	Anh-Vu H Ly	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-112* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,15,16,24,26,27,30-36,44,45,53,55,56,59-65,73,74,82,84,85,88-96,108 and 112* is/are rejected.

7)☒ Claim(s) *8-14,17-23,25,28,29,37-43,46-52,54,57,58,66-72,75-81,83,86,87,97-107 and 109-111* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 June 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *September 12, 2001*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7, 15-16, 24, 26-27, 30-36, 44-45, 53, 55-56, 59-65, 73-74, 82, 84-85, 88, 89-96, 108, and 112 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthews et al (US Patent No. 6,584,122 B1).

With respect to claims 1, 15, 30, 44, 59, 73, and 88, Matthews discloses (col. 6, lines 13-17) that the ingress functionality of a function module 25-28 converts the signals received from outside the node via the ports 35-38 (receiving a plurality of communications along at least one input communication line) into connection protocol data packets (framing each communication into a plurality of packets). Matthews discloses (col. 10, lines 4-7) that the switch header 47 identifies the destination backplane and function module within the network node to which the packet should be transmitted by the backplane switch 30 (transmitting each packet to the destination module based on destination information). The connection protocol switch 52 maintains a mapping of connection identifiers to destination function modules (each packet of plurality of packets containing destination information related to a destination module for a predetermined amount of data contained within said each packet).

With respect to claims 2, 31, 60, and 91, Matthews discloses in Fig. 2, that the network node includes T1/E1 function module 28. Herein, it is known that T1/E1 is a digital transmission system that was developed to carry digitized voice signals and pure data signals (wherein each communication of plurality of communications comprises TDM traffic and data traffic).

With respect to claims 3, 32, 61, and 92, Matthews discloses (col. 12, lines 27-32) that two bits are used as a priority identifier. There are three priorities of packets: voice and other

data must be communicated in real-time (framing TDM traffic into at least one packet containing high priority data transmitted during each communication); high-priority data, which lower priority than the voice data, but higher priority than low priority data, and low priority data (framing data traffic into at least one packet containing low priority data transmitted during each communication).

With respect to claims 4, 33, 62, and 93, Matthews discloses (col. 12, lines 27-32) that two bits are used as a priority identifier (encoding a predetermined value into a priority field within each packet, predetermined value indicating a priority of transmission for predetermined amount of data within each packet).

With respect to claims 5-6, 34-35, 63-64, and 94-95, Matthews discloses (col. 12, lines 27-32) that two bits are used as a priority identifier. Herein, a number of arrangements, up to four, can be made to indicate the priority level (high priority data has a zero value and low priority data has a one value).

With respect to claims 7, 16, 36, 45, 65, 74, and 96, Matthews discloses (col. 11, lines 45-67) that the destination address and the source address each include a two-bit backplane identifier and a five-bit CFM identifier 194. Wherein, the mapping of the bits in the function module identifier 194 is used to identify the function module or other port on the backplane switch (encoding a destination address field into destination information of each packet, destination address field identifying the destination module for each packet).

With respect to claims 24, 53, 82, and 108, Matthews discloses (col. 20, lines 1-21) that an inbound packet from a function module is received by a switch interface and placed in a rate-matching FIFO buffer 402. The packet, including destination information regarding destination module, is then further read from the queue into an outbound rate-matching FIFO buffer 405 and output to the destination function module (retrieving a plurality of packets stored into a plurality of storage modules, each packet of plurality of packets being retrieved from one storage module of plurality of modules at a rate dictated by a destination address field contained within each packet). Matthews discloses in Fig. 2 that that the network node includes T1/E1 function module 28 for outputting voice and data over T1/E1 lines. Herein, voice signals and data signals are multiplexed according to assigned timeslots (multiplexing each packet to obtain a communication to be transmitted along an output communication line).

With respect to claims 26, 55, and 84, Matthews discloses (col. 20, lines 3-4) that each FIFO buffer is used to temporarily store the data (each storage module of plurality of storage modules is a FIFO storage module).

With respect to claims 27, 56, and 85, Matthews discloses (col. 20, lines 3-15) that each FIFO buffer is used to temporarily store the data and there are three outbound queues associated with each port. Herein, each FIFO buffer has a defined capacity size of at least one or more bytes (each storage module has a capacity of four bytes and corresponds to one channel of output communication line).

With respect to claims 89 and 112, Matthews discloses (col. 14, lines 50-53) that the HFM 220 includes a synchronization and signaling subsystem 211. This subsystem receives clock signal inputs (predetermined rates) that are used to synchronize the network node 2. Herein, the network node 2 includes the switching module, transmitting and receiving modules (at least one timing device coupled to the packet switch, transmission module and destination module to distribute at least one timing reference to transmission module and destination module).

With respect to claim 90, Matthews discloses in Fig. 2, a high-speed network node (packet switch is a high-speed packet switch).

Allowable Subject Matter

3. Claim 8-14, 17-23, 25, 28-29, 37-43, 46-52, 54, 57-58, 66-72, 75-81, 83, 86-87, 97-107, and 109-111 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harrison et al (US Patent No. 6,091,709) discloses quality of service management for packet switched networks.

Long et al (US Patent No. 6,728,238 B1) discloses dynamic allocation of voice and data channels in a TDM telecommunications system.

Kim et al (US Patent No. 6,678,280 B1) discloses voice packet transmission control method in gateway system and device thereon.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl

CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 4/11/05